IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 12TH JUNE 2007 / 22ND JYAISHTA 1929

Crl.MC.No. 1894 of 2007()

AGAINST THE JUDGEMENT/ORDER IN BA.6969/2006
CRIME NO.128 OF 2004 OF AMBALAPUZHA POLICE STATION

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PETITIONER: ACCUSED 2 AND 3:

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1. SIBY JOSEPH, AGED 45 YEARS,
S/O. N.P. JOSEPH, KIZHAKKETH, KELAMANGALAM P.O.,
THAKAZHY.

2. ABDUKUTTY K., AGED 55 YEARS,
S/O. YOUSEFKUTTY MUSALIYAR, KURATHARA HOUSE,
KUNNUMMA P.O., THAKAZHY, ALAPPUZHA DISTRICT.

BY ADV. SRI.S.SANAL KUMAR

RESPONDENTS: COMPLAINANT:

STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.GIKKU JACOB

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 12/06/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

Crl.M.C.No.1894 of 2007

Dated this the 12th day of June 2007

O R D E R

The petitioners face allegations under Section 409 I.P.C and they were granted anticipatory bail as per an order passed by another Bench of this court. The order of anticipatory bail was to remain for a period of one month and the petitioners were directed to surrender before the learned Magistrate concerned in the meantime. The petitioners appeared before the learned Magistrate and were enlarged on bail, it is submitted. Such enlargement on bail was subject to conditions, it is submitted. Such conditions were identical to the conditions imposed by this court in the anticipatory bail order, it is further submitted. In these circumstances, the petitioners have come before this court with a prayer that the conditions imposed may now be deleted.

2. The conditions were not obviously, as is evident from the above sequence of events, imposed by this court. They were imposed by the learned Magistrate when regular bail was granted to the petitioners. The petitioners must, in these

circumstances, apply before the learned Magistrate to get the conditions relaxed. Only if the said application for modification is not favourably considered by the learned Magistrate, can the petitioners be said to have a cause of action to move this court.

3. This Criminal Miscellaneous Case is, in these circumstances, dismissed with the above observations.

(R.BASANT, JUDGE)

jsr

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007